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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,789	03/31/2004	Thamer A. Abanami	MS1-1935US	9919
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER AHN, SANGWOO	
			ART UNIT 2166	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/816,789

Applicant(s)

ABANAMI ET AL.

Examiner

Sangwoo Ahn

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6 - 27 and 29 - 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 - 27 and 29 - 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Claims 1 – 4, 6 – 27 and 29 – 36 are pending in this Office Action.

Claims 1, 3, 4, 6, 7, 12, 15, 16, 19, 27 and 31 have been amended.

Claims 5 and 28 have been canceled.

### *Response to Arguments*

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 4, 6 – 27 and 29 – 36 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication Number 2005/0147130 issued to Roger A. Hurwitz et al. (hereinafter “Hurwitz”).**

Regarding claim 1, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, performs acts comprising:

sorting a collection of digital items stored on a source device and dividing the collection into multiple tiers of digital items, wherein each tier is a subset of the collection and the items in each tier have like priorities and the priority of items in one tier differs from the priority of items in the other tiers, the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

designating one of the tiers of sorted digital items with highest priority for synchronization with a target device coupled to the source device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

synchronizing the designated tier of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 2, Hurwitz discloses,  
providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 3, Hurwitz discloses,  
the storage requirements of the designated tier of digital items is less than or equal to a defined storage capacity of the target device (paragraphs 1 and 11, et seq.).

Regarding claim 4, Hurwitz discloses,

the storage requirements of the designated tier of digital items is less than or equal to a defined storage capacity of the target device and the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraphs 1 and 11, et seq.).

Regarding claim 6, Hurwitz discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated tier of digital items for synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 7, Hurwitz discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated tier of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 8, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 9, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Claims 10 – 11 are rejected based on the same rationale discussed in claim 1 rejection and Figure 1, et seq.

Regarding claim 12, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device, the collection being divided into multiple tiers, wherein each tier is a subset of the collection and the items in each tier have like properties for synchronization with a target device coupled to the source device and one of the tiers having the highest priority amongst the multiple tiers (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

an executable process associated with the one or more digital items in the listing that is configured to:

designate the tier with highest priority, wherein the storage requirements of the designated tier of digital items is less than or equal to a defined storage

capacity of the target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

synchronize the designated tier of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 13, Hurwitz discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraphs 1 and 11, et seq.).

Regarding claim 14, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figures 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 15, Hurwitz discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated tier of digital items for synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 16, Hurwitz discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated tier of digital items for synchronization but not

already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 17, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 18, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Regarding claim 19, Hurwitz discloses,

A method comprising:

sorting a collection of digital items stored on a source device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

dividing the sorted collection into multiple groups of digital items, wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups, the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);



designating one of the groups of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (Figures 1 and 3, paragraph 1, paragraph 9, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

synchronizing the designated group of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 20, Hurwitz discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 21, Hurwitz discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraphs 1 and 11, et seq.).

Regarding claim 22, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 23, Hurwitz discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for

synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 24, Hurwitz discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 25, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 26, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Regarding claim 27, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device, the collection being divided into multiple tiers, wherein each tier is a subset of the collection and the items in each tier have like priorities for synchronization with a target device coupled to the source device and one of the tiers having the highest priority amongst the multiple tiers (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 29, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 30, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Regarding claim 31, Hurwitz discloses,

A system comprising:

a sorting-and-dividing means for sorting a collection of digital items stored on a source device and dividing the collection into multiple groups of digital items, wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups, the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (Figures 1

and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

a designating means for designating one of the groups of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraphs 11 - 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

a synchronizing means for directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization and for transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 32, Hurwitz discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 33, Hurwitz discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device.

Regarding claim 34, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraphs 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 35, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 36, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Patent Examiner Sangwoo Ahn  
AU 2166

1/2/2007 SW

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**